



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA UPS

DEC 28 2015

Mr. Ron Jones
General Manager
Amcor-Stevens Flexible Packaging, Inc.
747 Bowman Avenue
Hagerstown, MD 21740

Re: Request for Information Pursuant to Section 3007(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6927(a), Regarding Generation and Management of Hazardous Waste by Amcor-Stevens Flexible Packaging, Inc.

Information Request - Reference No. C16-004
EPA ID No. MDD054906201

Dear Mr. Jones:

The U.S. Environmental Protection Agency, Region III ("EPA") is requesting information to supplement the information obtained from its March 25, 2015 inspection of Amcor-Stevens Flexible Packaging, Inc. ("Amcor" or "the Facility") located in Hagerstown, MD, and from Amcor's September 7, 2015 response to an EPA information request letter ("IRL"). EPA is requesting this information pursuant to the authority granted to it under Section 3007(a) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6927(a), which provides in relevant part that "any person who generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous wastes shall, upon request of any officer, employee or representative of the Environmental Protection Agency, duly designated by the Administrator, ... furnish information relating to such wastes...." EPA hereby requires that you furnish to EPA, within **thirty (30) calendar days** of receipt of this letter, the information requested below, including all documents responsive to such request.

For each and every request, if you have any reason to believe that there may be a person(s) who may be able to provide a more detailed or complete response to such request or may be able to provide additional responsive documents, then as a part of your response to such request, identify each such person and the additional information or documents which such person may be able to provide. Furthermore, for each and every response, if information or documents responsive to such request are not in your possession, custody or control, then as part of your response to such request, identify each person from whom such information or documents may be obtained.

Please provide a separate narrative response to each information request. Precede each answer with the number of the question or letter of the subpart of the request to which it

corresponds. A request for documents shall be construed as a request for any and all documents maintained by you or in your custody, control, or possession or in the possession, custody or control of any of your employees or agents, relating to the matters described below. All copies of documents submitted to EPA in response to the following requests must be complete and legible.

As used herein, the term “document” means: writings (handwritten, typed or otherwise produced or reproduced) and includes, but is not limited to, any invoices, checks, receipts, bills of lading, weight receipts, toll receipts, correspondence, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, books of original entry, minutes of meetings, memoranda, notes, calendar or daily entries, agendas, bulletins, notices, announcements, charts, maps, photographs, drawings, manuals, brochures, reports of scientific study or investigation, schedules, price lists, telegrams, teletypes, phonograph records, magnetic voice or video records, tapes, summaries, magnetic tapes, punch cards, recordings, discs, computer print outs, or other data compilations from which information can be obtained or translated.

All other terms used in this request for information that are defined in RCRA, 42 U.S.C. §§ 6901 *et seq.*, or 40 C.F.R. Parts 260-266 and 268 shall have the meanings set forth therein.

Requested Information

1. Included in your September 7, 2015 IRL response as Enclosure 2n, Amcor provided daily inspection records from January, 2011 to August 6, 2015 for its hazardous waste tank (“Tank C”). A copy of a daily Tank C inspection record dated “11-21-12” was included in Enclosure 2n, and the inspection record indicated that a leak had occurred from Tank C. Please provide the following information regarding the leak from Tank C noted on the daily inspection record:
 - a. Identify, in detail, where the leak occurred from the tank, tank system and/or the secondary containment system for Tank C, and identify the cause of the leak. If the leak occurred from a component(s) of the tank system, identify the leaking component(s), state if the component(s) had secondary containment at the time of the leak, and if the component(s) currently has secondary containment.
 - b. Describe, in detail, any corrective measures taken by the Facility to stop the leak from the tank, tank system, and/or secondary containment system.
 - c. State the exact amount (in pounds and gallons) of hazardous waste that leaked from the tank, tank system, and/or secondary containment.
 - d. If the leak occurred into the secondary containment system for Tank C, state the date on which such material was removed from the secondary containment (if applicable), and submit copies of all bills of lading, hazardous waste manifests, shipping invoices, and LDR notices/certifications that accompanied its off-site shipment. If such material remains onsite, please state how such contents are currently being managed.

- e. Please indicate by stating “yes” or “no” to the following question: Did the leak result in a visible release to the concrete around Tank C?
 - i. If the answer to Question 1.e. is “yes”, please describe any measures taken by the Facility to prevent further releases, state the date on which such material was contained and cleaned up, and describe how the material was contained and cleaned up. If such material was collected and disposed of offsite, submit copies of all bills of lading, hazardous waste manifests, shipping invoices, and LDR notices/certifications that accompanied the off-site shipment.
 - ii. If the answer to Question 1.e. is “no”, please describe, in detail, how the Facility managed the material resulting from the leak.
 - f. From the date of the leak to the present, describe in detail any Standard Operating Procedures (“SOPs”) that the Facility had in place to respond to a leak and release from the hazardous waste tank, provide copies of any documentation of such SOPs the Facility kept onsite.
 - g. Provide copies of any documentation (notifications, reports, repairs, etc.) generated by the Facility as a result of the leak, if applicable.
2. The September 7, 2015 IRL response to Question 2.1. stated: “*We have contacted the installer of Tank C to get a copy of the tank integrity certification. They have yet to find it. We will forward a copy to you immediately upon receipt.*” Please provide the following:
- a. Provide a copy of a certification, as described in 40 C.F.R. § 265.192(g), for Tank C when it was installed, and please state the date of the certification.
 - b. Provide a copy of any certifications, as described in 40 C.F.R. § 265.192(g), for Tank C that were completed from January, 2011 to the present.

The provisions of Section 3008 of RCRA, 42 U.S.C. § 6928, authorize EPA to pursue penalties for failure to comply with or respond adequately to an information request under Section 3007(a) of RCRA. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

Your Facility is entitled to assert a claim of business confidentiality covering any part or all of the information submitted, in a manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the requested information is submitted, EPA may make this information available to the public without further notice to your Facility.

This request for information is not subject to review by the Office of Management and

Budget pursuant to the Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520.

Your response must include the following signed and dated certification:

I certify that the information contained in this response to EPA's request for information and the accompanying documents is true, accurate and complete. As to the identified portions of this response for which I cannot personally verify their accuracy, I certify under penalty of law that this response and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Signature: _____
Name: _____
Title: _____

Please send your response to:

Andrew Ma
US EPA Region III
Environmental Science Center
701 Mapes Road
Fort Meade, MD 20755-5350

If you have any questions concerning this matter, please contact Mr. Andrew Ma at (410) 305-3429.

Sincerely,



Carol Amend, Associate Director
Land and Chemicals Division
Office of Land Enforcement

cc: A. Ma (3LC70)